

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

JEREMY ALFONZIE JONES,	)	
	)	
Petitioner,	)	
	)	
v.	)	CV 111-102
	)	(Formerly 109-171)
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

---

**ORDER**

---

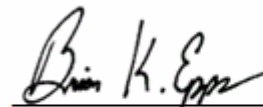
On December 16, 2011, Petitioner's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 was dismissed without an evidentiary hearing. (Doc. nos. 8, 9.) However, United States District Judge J. Randal Hall granted a Certificate of Appealability ("COA") as to one issue: "whether Petitioner's collateral attack waiver bars his § 2255 claim that his trial counsel provided ineffective assistance of counsel by failing to consult about filing a direct appeal." (Doc. no. 9, p. 5.) Based on a new policy issued by the United States Department of Justice regarding enforcement of appeal waivers in which defendants waive claims of ineffective assistance of counsel on direct appeal and/or collateral attack, the Eleventh Circuit ruled that Petitioner was entitled to an evidentiary hearing concerning the claim raised with respect to whether his attorney failed to consult with him about filing a direct appeal.

Accordingly, the Court will hold an evidentiary hearing on this one unresolved claim. The only other issue raised in the § 2255 motion, an ineffective assistance of counsel claim based on the assertion Petitioner was induced to plead guilty by bad advice from counsel about the

possibility of returning stolen property, was decided adversely to Petitioner on the merits. (Doc. nos. 6, 9.) That issue was not part of the COA and therefore will not be revisited during the evidentiary hearing.

Pursuant to Rule 8(c) of the Rules Governing Section 2255 Proceedings, Attorney Joshua Joseph Campbell is appointed for the purpose of representing Petitioner at the evidentiary hearing and if necessary, providing any written filings as may be directed at the hearing or in response to the Report and Recommendation that will be issued after the hearing. The Court will hold the hearing on February 26, 2015, at 2:00 p.m., in Courtroom No. 1 at the Federal Justice Center, 600 James Brown Boulevard in Augusta, Georgia.

SO ORDERED this 16th day of January, 2015, at Augusta, Georgia.



---

BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA